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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,589	03/09/2004	Clifton Deal		1101

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EXAMINER

WALTERS, JOHN DANIEL

ART UNIT PAPER NUMBER

3618

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,589

Applicant(s)

DEAL, CLIFTON

Examiner

John D. Walters

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claims 1 – 12 have been examined.

Specification

Claim 11 is objected to because of the following informalities:

- as written, said claim is dependant on claim 81, which does not exist.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enright (2,926,927) in view of Seiling (3,336,046). Enright discloses a two-wheeled coaster vehicle comprising:

- a front and rear wheel (Fig. 1, items 54 and 32);
- said wheels attached to a frame (Fig. 1, item 12);
- said frame comprising a handle bar and a seat (Fig. 1, items 56 and 20);
- a floor being sloped towards vehicle front (Fig. 1, item 62).

Enright does not make use of a solid floorboard nor does he disclose differing sized tires. Seiling, however, discloses a pedalless bicycle comprising:

- a solid platform (Fig. 1, item 17);
- differing sized wheels (Fig. 1, items 12 and 18).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the solid board of Seiling to the coaster vehicle of Enright in order to provide more stable footing for an operator.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the differing sized wheels of Seiling to the coaster vehicle of Enright in order to provide a smaller tire in front to facilitate turning and a larger tire in the rear to facilitate the absorption of the forces generated by uneven ground.

In regards to claims 2 – 6 and 8 – 11, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to size the components of said vehicle to properly fit the expected physical size/structure of the operator.

In regards to claims 7 and 12, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to make use of a lightweight material, such as aluminum, in order to reduce vehicle weight and improve speed characteristics.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Lovell (1,535,167) discloses a scooter;
- Weber (1,725,838) discloses a frame for bicycles and the like;
- Koch (1,965,194) discloses a combination velocipede;
- Bernier (2,183,534) discloses a vehicle, scooter type;
- Huyssen (3,647,241) discloses a rider propelled vehicle;
- Ehrlich (4,763,913) discloses a bicycle/scooter combination;
- Dickson et al. (5,992,864) discloses a motorless human powered scooter;
- Ray et al. (6,273, 439) discloses a scooter;
- Nall (6,450,516) discloses a scooter with adjustable seat assembly;
- Dold (DE 3936317 A1) discloses a bicycle/scooter combination.

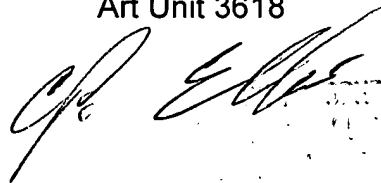
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John D. Walters
Examiner
Art Unit 3618

JDW



J.D. WALTERS
EXAMINER
ART UNIT 3618